

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

LEROY M. FOUNTAINE,

Defendant.

DECISION AND ORDER
07-CR-169S

1. On May 30, 2008, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation recommending that Defendants' omnibus motion requesting suppression of evidence be denied.

2. On July 7, 2008, Defendant Leroy M. Fountaine filed timely Objections to Judge Scott's Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3). The Government filed its response on July 31, 2008.

3. This Court has thoroughly reviewed Judge Scott's Report and Recommendation, Defendant's Objections thereto, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Scott's Report and Recommendation. Accordingly, Defendant's Objections are denied and this Court will accept Judge Scott's Report and Recommendation in its entirety.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's May 30, 2008 Report and Recommendation (Docket No. 34) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant's Objections (Docket No. 38) are DENIED.

FURTHER, that Defendant's Omnibus motion seeking suppression of evidence (Docket No. 13) is DENIED.

SO ORDERED.

Dated: September 10, 2008
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge